

# **APPENDIX D**

**(VERSION OF CLAIMS AS AMENDED HEREIN  
WITH MARKINGS TO SHOW CHANGES MADE)**

**(Serial No. 09/977,754)**

## VERSION OF CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

1.     (Amended) A breath collection system for use in obtaining metabolic measurements from an individual's respiration, comprising:  
a breathing apparatus configured to communicate with at least a mouth of the individual; and  
a conduit including a first end coupled to [said]a mouthpiece and a second end configured to be coupled to apparatus for monitoring the individual's respiration, said conduit including at least a section that is configured to be placed into a desired configuration and that substantially maintains said desired configuration until placed in another desired configuration.
4.     (Amended) The system of claim 3, wherein said mouthpiece comprises a conduit coupling section oriented in an at least partially downwardly extending direction relative to said breathing end, said [conduit-receiving extension]conduit coupling section being configured to be coupled to said first end of said conduit.
11.    (Amended) The system of claim 10, wherein said at least one outlet valve is positioned on[ said] at least one of a conduit coupling section of said breathing apparatus and an end of said conduit.
19.    (Amended) A method for obtaining a resting metabolic rate of an individual, comprising:  
placing the individual in a resting position;  
coupling a breathing apparatus and conduit in communication therewith in flow communication between an airway of the individual and an apparatus for monitoring the individual's respiration; and  
manipulating at least a portion of said conduit into a desired configuration, said conduit being configured so as to substantially maintain said desired configuration.

20. (Amended) The method of claim 19, wherein said coupling comprises:  
coupling said breathing apparatus in substantially fluid-tight connection to at least a mouth of the  
individual; and  
coupling said conduit in substantially [fluid tight]fluid-tight communication to said apparatus.